

NO. 74251

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 28 2006

Returned to applicant for correction _____

Corrected application filed _____

Map filed DEC 23 2005 under 73526

The applicant **Frehner Construction Co., Inc.** hereby make application for permission to change the **point of diversion** for of water heretofore appropriated under **permit no. 68459**

1. The source of water is **underground**
2. The amount of water to be changed **0.0418 cfs not to exceed 19 acre feet**
3. The water to be used for **mining & processing sand and gravel**
4. The water heretofore permitted for **mining & processing sand and gravel**
5. The water is to be diverted at the following point **within the SE ¼ NW ¼ Sec. 13 T23S R60E, MDB&M bearing South 44°48'29" West a distance of 3.326.04 feet from the S 1/16 corner of sec 13 & 14 of said township & range. Map filed under Permit No. 73526**
6. The existing permitted point of diversion is located within **the NW ¼ SW ¼ Sec 13 T23S R60E, MDB&M bearing South 63° 29min 9sec West a distance of 720.66 feet from the S 1/16 corner of sec 13&14 of said township & range.**
7. Proposed place of use **see attached exhibit "A"**
8. Existing place of use **see attached exhibit "A"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drilled well, submersible pump & motor, underground piping, diesel generator.**
12. Estimated cost of works **\$175,000.00**
13. Estimated time required to construct works **well completed as described in item #11, meter ser. No. 1421906 made by Master Meter**
14. Estimated time required to complete the application of water to beneficial use **2 years.**

15. Remarks:

By s/ Philip Nelson
Philip Nelson
3920 W. Hacienda
Las Vegas, NV 89118

Compared mt/ag lt/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 68459 is issued subject to the terms and conditions imposed in said Permit 68459 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 54172, 70626, 70404, 71753, 71754, 71755, 72088, 72089, 72090, Temporary Permit 73141T, Permits 73297, 73526, 74248, 74249, 74250 and 74251 shall not exceed 771.5 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records will be kept of the amount of water pumped from this well and other wells, including vested rights, within the place of use of this permit. The monthly record will identify water right permits and include the well size and totalizing meter make, serial number and location associated with each well. Records will be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

(Continued on Page 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0418 cubic feet per second, but not to exceed 19.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

November 13, 2007

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

November 13, 2009

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,
State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 13th day of November, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

*Amended***"EXHIBIT A"**

"SE 1/4	SE 1/4	SW 1/4	SEC 13	T23S	R60E
NE 1/4	SE 1/4	SW 1/4	SEC 13	T23S	R60E
N 1/2	S 1/2	SE 1/4	SEC 13	T23S	R60E
N 1/2	NW 1/4	SW 1/4	SEC 13	T23S	R60E
SE 1/4	NW 1/4		SEC 13	T23S	R60E
SE 1/4	NW 1/4	SW 1/4	SEC 13	T23S	R60E
NE 1/4	SW 1/4		SEC 13	T23S	R60E
N 1/2	SE 1/4		SEC 13	T23S	R60E
S 1/2	SW 1/4	NW 1/4	SEC 13	T23S	R60E
NE 1/4			SEC 13	T23S	R60E
NE 1/4	NE 1/4	NW 1/4	SEC 13	T23S	R60E
S 1/2	NE 1/4	NW 1/4	SEC 13	T23S	R60E
SE 1/4	SW 1/4		SEC 12	T23S	R60E
SW 1/4	SE 1/4		SEC 12	T23S	R60E"

~~STATE ENGINEER~~~~MAY 12 2006~~~~FACSIMILE RCVD~~

STATE ENGINEER

MAY 15 2006

FACSIMILE RCVD